

**Enrolled Minutes of the Thirty-eighth Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Plenary Business Meeting
Monday, June 26, 2017**

Study Session. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, June 26, 2017 at 6:40 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Mark Herak, Dan Vassar, Steven Wagner, and Konnie Kuiper were present. Councilor Zemen was absent owing to ill health. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed a communication from Cecile Petro, the recently retired Redevelopment Director, regarding an inquiry with the relevant railroad regarding its disposition of a possible second right of way for LaPorte Street to cross the railroad.
2. The Town Council discussed the agenda of the imminent meeting.

The study session ended at 7:01 O'clock p.m.

Regular meeting. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, June 26, 2017 at 7:02 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Dan Vassar presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Mark Herak reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Mark Herak, Dan Vassar, Steven Wagner, and Konnie Kuiper. Councilor Bernie Zemen was absent owing to ill health. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett Tauber, Town Attorney; Pete Hojnicky, Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; and Kenneth J. Mika, Building Commissioner were present.

Additionally present: Steve Mileusnich and Susan Murovic, Advisory Board of Zoning Appeals; Ed Dabrowski, IT Consultant; were additionally present.

Guest present: Patrick Krull, member of the Board of School Trustees was present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 12 June 2017, were approved by general consent.

Special Orders:

1. **Consideration of Proposed Additional Appropriations and Public Hearing:** Proposed Additional Appropriations in Excess of the 2017 Budget for the Municipal Cumulative Street Fund, the Solid Waste District Grant Fund and the Parks/VIPS Public Safety Fund.

- (a) Attorney verification of Proofs of Publication: Mr. Tauber indicated that the proof of publication complied with IC 5-3-1. The TIMES 13 & 15th June 2017.
- (b) **Public Hearing.** The Town Council President called the public hearing to order. There were no comments or remonstrances. The hearing was closed.
- (c) Action on **Appropriation Enactment No. 2017-23:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget the Municipal Cumulative Street Fund, the Solid Waste District Grant Fund and the Parks/VIPS Public Safety Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5..

Councilor Herak introduced and moved the consideration of Enactment No. 2017-23 at the same meeting of its introduction. Councilor Wagner seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Enactment No. 2017-23 at the same meeting of its introduction. Councilor Wagner seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

**Town of Highland
 Appropriation Enactment
 Enactment No. 2017-23**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the MUNICIPAL CUMULATIVE STREET FUND, THE SOLID WASTE DISTRICT GRANT FUND, AND THE PARKS/VIPS PUBLIC SAFETY FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Municipal Cumulative Street Fund, the Solid Waste District Grant Fund, and the Parks/VIPS Public Safety Fund;**

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Municipal Cumulative Street Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

MUNICIPAL CUMULATIVE STREET FUND

Increase		
088-0000-44200 Sidewalk Replacement		<u>\$25,000.00</u>
	Total:	\$25,000.00

Section 2. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Solid Waste District Grant Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

SOLID WASTE DISTRICT GRANT FUND

Increase		
031-0000-3801 Solid Waste/Recycling Services		<u>\$15,000.00</u>
	Total 300 Series:	\$15,000.00

Increase		
031-0000-44504 Leaf Collector		<u>\$60,000.00</u>
	Total 400 Series:	\$60,000.00

Total for Fund: \$75,000.00

Section 3. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Solid Waste District Grant Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

PARKS/VIPS PUBLIC SAFETY FUND

Increase		
014-0000-2XX.XX VIPS Crowd Fencing		\$6,678.00
	Total:	\$6,678.00

Section 4. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 5. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 26th day of June 2017. Consideration on the same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 26th Day of June 2017, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Dan Vassar, President (IC 36-5-2-10)

ATTEST:

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

General Orders and Unfinished Business:

- 1. Proposed Ordinance No. 1650.1641-A:** An Ordinance To Amend Ordinance No. 1641 Fixing The Wage And Salary Rates Of The Elected Officers, The Non-Elected Officers, And The Employees Of The Town Of Highland, Indiana A Particularly Amending The Authorized Supervisory Ranks In The Police Department. *If adopted this will add a one (1) more budgeted active rank of Sergeant. Further, if adopted, it will clarify rank authorizations that are not budgeted but held for those department members who hold those service ranks but are assigned to upper policy making roles. Noting there are two vacant and unbudgeted positions of corporal, if adopted, these would be removed.*

Councilor Kuiper introduced and moved the consideration of Ordinance No. 1650.1641-A at the same meeting of its introduction. Councilor Wagner seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Kuiper moved the passage and adoption of Ordinance No. 1650.1641-A at the same meeting of its introduction. Councilor Wagner seconded. Upon a roll call vote, a two-thirds vote being necessary, there were three affirmatives and one negative. With Councilor Herak voting in the negative, and Councilors Vassar, Wagner and Kuiper voting in the affirmative, the necessary two-thirds in the affirmative was not attained. The motion did not pass and the ordinance was not adopted at the same meeting of its introduction.

It was noted that while the ordinance was not adopted at the same meeting of adoption, pursuant to I.C. 36-5-2-9.6, which provides that a majority vote of the

legislative body is required to pass an ordinance, the ordinance simply did not have sufficient support to be passed and adopted at the same meeting of its introduction.

With leave from the Town Council, Councilor Herak indicated that he could not support passage of the ordinance without more information regarding the supervisory requirements of the department and more information about any current structure and how it is insufficient.

2. **Proposed Ordinance No. 1651:** An Ordinance to Amend Article III of Chapter 3.45 of the Highland Municipal Code Regarding Provisions related to the Rainy Day Fund of the Town of Highland, pursuant to IC 36-1-8-5.1.

Councilor Herak introduced and moved the consideration of Ordinance No. 1651 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Ordinance No. 1651 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed and the ordinance was adopted at the same meeting of its introduction.

ORDINANCE NO. 1651
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE TO AMEND ARTICLE III OF CHAPTER 3.45 OF THE HIGHLAND MUNICIPAL CODE REGARDING PROVISIONS RELATED TO THE RAINY DAY FUND OF THE TOWN OF HIGHLAND, PURSUANT TO IC 36-1-8-5.1.

- WHEREAS**, The Town Council is the fiscal body of the Town of Highland;
- WHEREAS**, IC 36-1-8-5.1 enables municipalities to establish a Rainy Day Fund whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund; and,
- WHEREAS**, IC 36-1-8-5.1 enables municipalities to establish a Rainy Day Fund by the adoption of an ordinance specifying the purposes of the fund and the sources of funding for the fund; and,
- WHEREAS**, IC 36-1-8-5.1(f) provides that the state department of local government finance may not reduce the actual or maximum permissible levy of a political subdivision as a result of a balance in the Rainy Day Fund of the political subdivision; and,
- WHEREAS**, IC 36-5-2-9 provides that the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,
- WHEREAS**, IC 36-1-3-4 provides that the powers units have under IC 36-1-3-4(b)(1) are listed in various statutes, further noting that these statutes do not list the powers that units have under IC 36-1-3-4 (b)(2); therefore, the omission of a power from such a list does not imply that units lack that power; and
- WHEREAS**, IC 36-1-3-4 further provides that a unit has all powers granted it by statute as well as all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;
- WHEREAS**, The Town Council has heretofore determined that it would be desirable to establish a rainy day fund and to allow the fund to be used for all the lawful purposes set forth in IC 36-1-8-5.1, and has done so by the adoption of *several ordinances now codified as Sections 3.45.175 through 3.45.195 styled as Article III Rainy Day Fund*; and
- WHEREAS**, The Town Council has determined that it is necessary, desirable and of great public benefit, to re-establish the fund herein referenced to support and carryout the lawful public purposes of the municipality; and
- WHEREAS**, It would be and is in the best interest of the Town of Highland to enact an ordinance as an amendment to the Highland Municipal Code in order to further perfect the operation of the Town;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. The Highland Municipal Code is hereby amended by repealing in its entirety *Article III Rainy Day Fund*, which is comprised of sections 3.45.175 through 3.45.195 and to replace it with a successor Article in Chapter 3.45 of the Highland Municipal Code, which shall be numbered and read as follows:

ARTICLE III: RAINY DAY FUND

3.45.175 Establishment.

(A) There is hereby authorized, created and established a fund of the town of Highland, to be called the rainy day fund, pursuant to IC 36-1-8-5.1 et seq.

(B) The rainy day fund is dedicated and established for accumulating funds to provide resources to support lawful purposes of the municipality, including meeting exigencies as herein may be defined and such other purposes permitted by IC 36-1-8-5.1 and as are identified in this article.

(C) The sources of funding for the rainy day fund may include the following:

(1) Unused and unencumbered funds transferred pursuant to and identified in IC 36-1-8-5, IC 6-3.5-1.1-21.1, IC 6-3.5-6-17.3, or IC 6-3.5-7-17.3;

(2) Interest earned from the investment of moneys on deposit to the credit of the fund, provided such investments are conducted pursuant to IC 5-13-9 et seq.;

(3) An appropriation in the annual budget in the several funds of the municipality as may be identified and approved by the town council, and then transferred to the rainy day fund, subject to the provision of IC 36-1-8-5.1(d);

(4) Unassigned fund balances which may be identified in the several funds of the municipality, as may be approved by the town council, and then transferred to the rainy day fund, subject to the provision of IC 36-1-8-5.1(d); and

(5) Any other sources, which Indiana law from time to time may authorize.

(D) The rainy day fund is subject to the same appropriation process as other funds of the municipality that receive tax money.

(E) In any fiscal year, **at any time**, the town council may transfer not more than 10 percent of the town's total annual budget for that fiscal year, adopted under IC 6-1.1-17, to the rainy day fund as authorized by IC 36-1-8-5.1.

(F) No transfer may be made from a debt service fund, unless such transfer qualifies as a dormant fund balance, under IC 36-18-5.

~~(F)~~ (G) The rainy day fund is established and remains in effect until such time as the fund is repealed or rescinded by action of the town council.

3.45.180 Purposes, uses and permissible expenditures.

(A) Subject to the provisions of Section 3.45.180, the Town Council may at any time by ordinance or resolution transfer to the Corporation General Fund or any other appropriated funds of the municipality, money that has been deposited in the Rainy Day Fund.

~~(A)~~ (B) Expenditures from the rainy day fund shall ~~only~~ be used for the following purposes:

(1) To make temporary, **indefinite or permanent** transfers to other funds of the town for cash flow purposes to meet debt service, payroll and monthly accounts payable when tax revenues are not received in a timely manner to mitigate interest expense on tax anticipation debt as provided in IC 36-1-8-4;

(2) To pay the deductibles on insurance not already provided for in other funds of the municipality;

(3) To pay monetary settlements, damages or claims in consequence of a legal cause of action;

(4) To pay and provide resources for the reimbursement of costs borne by municipal employees for medical infertility services subject to the ordinance which may authorize and establish such an employee group benefit;

(5) To pay expenses related to repairs of the emergency and weather warning siren system of the town not already provided for in other funds of the municipality;

(6) To pay expenses related to special consulting for fiscal affairs particularly associated with cost of governmental services, costs analysis and related analysis and review;

(7) To pay expenses related to the acquisition of real property and improvements by the municipality not already provided for in other funds of the municipality;

(8) To pay expenses related to demolition, debris removal and restoration services on real property and improvements owned or leased by the municipality, not already provided for in other funds of the municipality;

(9) To pay expenses related to any other lawful governmental purpose for which money is appropriated by the fiscal body of the municipality.

~~(B)~~ (C) Notwithstanding IC 36-5-2-9.6, the affirmative vote of four members of the town council is necessary for the following uses of the fund:

(1) To pay the deductibles on insurance not already provided for in other funds of the municipality;

(2) To pay monetary settlements, damages or claims in consequence of a legal cause of action;

(3) To pay expenses related to repairs of the emergency and weather warning siren system of the town not already provided for in other funds of the municipality;

(4) To pay expenses related to the acquisition of real property and improvements by the municipality not already provided for in other funds of the municipality.

3.45.185 Expenditure upon appropriation.

Expenditures from the rainy day fund may be made only upon appropriation by the fiscal body for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the legislative body, all pursuant to IC 5-11-10 and 36-5-4.

3.45.190 Investments authorized.

Money in the rainy day fund may be invested; provided, that the yields from the purchase and sale of any such investments shall be deposited with the fund pursuant to IC 5-13-9 and this chapter.

3.45.195 Preservation and disposition of fund assets.

All unused and unencumbered cash on deposit to the credit of the rainy day fund does not revert to the corporation general fund nor to any other fund but shall remain with the rainy day fund until such time as an ordinance is passed and adopted regarding its disposition. ~~Notwithstanding IC 36-5-2-9.6, An ordinance with the purpose of abolishing and defeasing the rainy day fund, and authorizing a transfer of any remaining unexpended, unencumbered assets of the fund to a particular fund must be passed by at least four members of the town council shall not be passed or adopted under suspension of the rules under the provisions of IC 36-5-2-9.6.~~

Section 2. That the fund established by Ordinance No. 1356, and re-established by Ordinances No. 1408 as amended by *Ordinance No. 1423*, as further amended by *Ordinance No. 1429.1423-A*, and re-enacted by Ordinance No. 1455, named the Rainy Day Fund, which exists at the time of the adoption of this ordinance, has continuity of existence. The cash on deposit to the credit of the fund established by *the foregoing ordinances*, all heretofore codified as section 3.45.175 through Section 3.45.195, as well as all its assets and liabilities, held prior to the passage and adoption of this ordinance, remains with the fund. Further, the cash on deposit to the credit of the fund is hereby found and determined to be an approved source of money for the fund.

Section 3. That any and all such ordinances in conflict with the provisions of this ordinance, subject to Section 2 of this ordinance, are hereby repealed and are of no further force or effect. *The Clerk-Treasurer shall be authorized to assign appropriate section numbers or correct section number references in support of the codification of the particular provisions of this ordinance.*

Section 4. That this ordinance establishing and further amending, a Rainy Day Fund, be filed with the Department of Local Government Finance (DLGF), by the Town Clerk-Treasurer pursuant to a memorandum and instruction promulgated by the Commissioner of DLGF in 2009.

Section 5. This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 26th day of June 2017. Consideration on same day or at same meeting of introduction sustained 4 votes in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 26th Day of June 2017, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Dan Vassar, President (IC 36-5-2-10)

Attest:

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5; IC 36-5-2-10.2)

3. **Resolution No. 2017-24:** A Resolution Classifying a Transfer made from the Rainy Day Fund to the Corporation Exempt Bond and Interest Fund, pursuant to IC 36-1-8-4 to Be Now Defined as a Transfer Made under IC 36-1-8-5.1 and Section 3.45.180(B)(2) of the Municipal Code.

Councilor Wagner moved the passage and adoption of Resolution No. 2017-24. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND
RESOLUTION NO. 2017-24**

A RESOLUTION CLASSIFYING A TRANSFER MADE FROM THE RAINY DAY FUND TO THE CORPORATION EXEMPT BOND AND INTEREST FUND, PURSUANT TO IC 36-1-8-4 TO BE NOW DEFINED AS A TRANSFER MADE UNDER IC 36-1-8-5.1 AND SECTION 3.45.180(B)(2) OF THE MUNICIPAL CODE.

Whereas, The Town Council passed Resolution No. 2016-07 on February 1, 2016 authoring a temporary transfer from the Municipal Rainy Day Fund to the Corporation Exempt Bond and Interest Fund to meet regular operating expenses of the funds prior to the receipt of the semi-annual distribution of ad-valorem revenues;

Whereas, Pursuant to the advice and recommendation of the Clerk-Treasurer, **noting that owing to changes in debt service fund budgeting practices prescribed in IC 6-1.1-17-22 (a)**, there would not be sufficient funds on deposit to the credit of the **Corporation Exempt Bond & Interest Fund** by December 31, 2016 to repay the temporary loan made from the **Rainy Day Fund**, and the Town Council passed and adopted Resolution No. 2016-49, extending the loan repayment from December 31, 2016 to June 30, 2017, pursuant to the provisions of IC 36-1-8-4(b);

Whereas, The Clerk-Treasurer has further advised that owing to the law that created the "Exempt" Corporation Bond and Interest Fund, to allow for the treatment of debt service for all debt incurred before July 1, 2008 as exempted from the circuit breaker controls and noting that all the debt subject to the exempt treatment was fully retired; and

Whereas, The Clerk-Treasurer has still further advised that there can be no further property taxes levied by the Exempt Corporation Bond and Interest Fund, which will be abolished and defeased following its external audit by the State Board of Accounts; and

Whereas, The Clerk-Treasurer has still further advised that upon consultation with the State Board of Accounts, he recommends reclassifying the prior transfer according to the terms of IC 36-1-8-5.1 and Section 3.45.180 (B)(1);

Whereas, The Town Council desires to act according to the advice of the Clerk-Treasurer and that of the State Board of Accounts and reclassify the prior transfer according to the terms of IC 36-1-8-5.1 and Section 3.45.180 (B)(1)

Now, Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the statements made in the preamble are hereby restated by reference and made as findings and determinations of the Town Council;

Section 2. That the amount of \$905.00 transferred to Corporation Exempt Bond & Interest Fund from the Rainy Day Fund, characterized as a temporary transfer under I.C. 36-1-8-4, first to be returned by December 31, 2016 then with that date extended to June 30, 2017 is hereby now to be as follows:

(A) That the transfer to the Corporation Exempt Bond and Interest Fund in the amount of \$905 is now deemed and classified to be an indefinite, permanent transfer authorized under IC 36-1-8-5.1 and Section 3.45.180(B)(2) of the Highland Municipal Code;

(B) That the transfer is no longer a temporary transfer under IC 36-1-8-4 and is not expected to be returned to the Rainy Day Fund;

Section 3. That the provisions set forth in Resolution 2016-07 and Resolution 2016-49 are no longer of any force or effect;

Section 4. That the proper officer be further instructed to Immediately forward an original executed version of this resolution to the **State Board of Accounts** and the **Department of Local Government Finance**, if necessary or required by law.

Duly Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 26th day of June 2017. Having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Dan Vassar, President (IC 36-5-2-10)

Attest:

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

4. **Works Board Order No. 2017-14:** An Order Authorizing, Approving, Accepting and Concurring in a Utility Easement Agreement with the School Town of Highland, Indiana as Grantor and the Town of Highland as Grantee for Storm water Force Main and Pumping Station.

Councilor Wagner moved the passage and adoption of Works Board Order No. 2017-14. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
ORDER of the WORKS BOARD NO. 2017-14**

An Order Authorizing, Approving, Accepting and Concurring in a Utility Easement Agreement with the School Town of Highland, Indiana as Grantor and the Town of Highland as Grantee

Whereas, The Department of Public Sanitation and Sanitary District of Highland (District), through its Board of Sanitary Commissioners, has previously determined the need to construct, install and utilize a force main, a storm water pump station and related appurtenances and structures commonly referred to as **the Martha Street Force Main and Stormwater Improvement Project;**

Whereas, The Project requires the acquisition of public easements upon property owned by School Town of Highland, Indiana as Grantor, for the purpose of constructing, installing and utilizing a force main, a storm water pump station and related appurtenances and structures; and

Whereas, The Grantor wishes to grant to the Grantee, the Town of Highland, governed by and through its Town Council as the Works Board of the Town, a **perpetual easement** for the purpose of installing, constructing and utilizing the improvements herein referenced, which is legally described in a companion easement agreement;

Whereas, The Department of Public Sanitation and Sanitary District of Highland (District), through its Board of Sanitary Commissioners, has determined that the utility easements and the associated agreement for this project and all other appurtenances in, under, over and across the above described real estate would be of great public benefit and utility;

Whereas, The Town of Highland, through its Town Council, acting as the Works Board (hereinafter sometimes referred to as Grantee), has determined that the utility easements and the associated agreement for this project and all other appurtenances in, under, over and across the above described real estate would be of great public benefit and utility;

Whereas, The Town of Highland, through its Town Council, acting as the Works Board (hereinafter sometimes referred to as Grantee), now wishes to finally authorize, adopt and approve the utility easement agreement between the Town of Highland as Grantee and the School Town of Highland, Indiana as Grantor;

Now, Therefore, Be It hereby Ordered by the Highland Town Council, acting as the Works Board of the Municipality as follows:

Section 1. That the Force Main, Stormwater pumping station Easement Agreement between the School Town of Highland, Indiana (Grantor) and the Town of Highland (Grantee), which is incorporated by its reference, is hereby authorized, approved, accepted and ratified in each and every respect;

Section 2. That Town of Highland, as Grantee, accepts from the School Town of Highland, as Grantor the following:

(A) Town of Highland accepts its grant of a perpetual easement for the installation, construction and utilization of constructing, installing and utilizing a force main, a storm water pump station and related appurtenances and structures according to the terms of the accompanying agreement, which is approved, accepted and ratified in each and every respect;

(B) Town of Highland accepts as Grantee, an easement conveyed, granted, and assigned by agreement from the School Town of Highland, Indiana, as Grantor, an easement in, under, over and across the following legally described real estate, to-wit:

AN EASEMENT OVER PARTS OF 2 PARCELS DESCRIBED IN WARRANTY DEEDS 74551, BOOK 1078 PAGE 135 AND 336935, BOOK 1177 PAGE 144 AS RECORDED IN THE LAKE COUNTY INDIANA RECORDER'S OFFICE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 39 IN SOUTHTOWN ESTATES 1ST ADDITION TO THE TOWN OF HIGHLAND, INDIANA AS RECORDED IN PLAT BOOK 32 PAGE 61 IN SAID RECORDER'S OFFICE; THENCE NORTH 38°07'31" EAST ALONG THE EAST LINE OF SAID LOT, 206.21 FEET TO THE NORTHEAST CORNER OF SAID LOT, SAID CORNER LYING IN THE CENTER OF THE CADY MARSH DITCH; THENCE SOUTH 82°58'10" EAST, 46.71 FEET ALONG SAID CENTERLINE TO A LINE PARALLEL TO AND 40 FEET SOUTHEAST OF THE SAID LOT 39 EAST LINE; THENCE SOUTH 38°07'31" WEST ALONG SAID PARALLEL LINE, 145.33 FEET TO A POINT ON A LINE PERPENDICULAR TO SAID EAST LOT LINE AND 85.00 FEET NORTHEAST OF THE SAID SOUTHEAST LOT CORNER MEASURED ALONG SAID EAST LINE; THENCE ALONG SAID PERPENDICULAR LINE SOUTH 51°52'29" EAST, 30.00 FEET TO A LINE PARALLEL TO AND 70.00 FEET FROM SAID EAST LOT LINE; THENCE SOUTH 38°07'31" WEST ALONG SAID PARALLEL LINE 98.85 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF MARTHA STREET AND A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 185.00 FEET AND A LONG CHORD WHICH BEARS 40°41'00" W 71.35 FEET; THENCE ALONG SAID CURVE AND NORTH RIGHT OF WAY LINE, 71.80 FEET TO THE POINT OF BEGINNING. SUBJECT TO AN EXISTING 20 FOOT WIDE UTILITY EASEMENT AND 30 FOOT WIDE DITCH EASEMENT

Section 3. That the agreement adopted by this order is incorporated herein as an exhibit to this order;

Section 4. That the Town Council President and the Clerk-Treasurer are hereby authorized and directed to evidence this acceptance, approval and adoption of the easements and agreement by affixing their signatures to the agreement.

Be it So Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 26th day of June 2017 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/ Dan Vassar, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

5. **Works Board Order No. 2017-15:** An Order Approving and Authorizing the Proper Officer to Enter into a Purchase Agreement with Dell Incorporated for Desktop Computers, Monitors, Software and licensing, further defining this as a Small Purchase under Section 3.05.060 (G)(2) of the Municipal Code.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2017-15. Councilor Wagner seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2017-15**

AN ORDER APPROVING AND AUTHORIZING THE PROPER OFFICER TO ENTER INTO A PURCHASE AGREEMENT WITH DELL INCORPORATED FOR DESKTOP COMPUTERS, MONITORS, SOFTWARE AND LICENSING, FURTHER DEFINING THIS AS A SMALL PURCHASE UNDER SECTION 3.05.060 (G)(2) OF THE MUNICIPAL CODE.

Whereas, The Town of Highland is organized by departments, each with specialized duties ties to special training and competencies, and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of these several departments; and

Whereas, The Town of Highland Metropolitan Police Department, the Public Works Department (Agency), Parks and Recreation Department, Fire Department, Building and Inspection Department, Redevelopment Department and the Office of the Clerk-Treasurer as part of their public duties, utilizes desktops computers as part of carrying out its public services and related duties in the Town of Highland; and

Whereas, The IT Director has determined a need to obtain certain computer equipment and has secured a quote from Dell Incorporated for the purchase of nineteen (19) Dell OptiPlex 5040 SFF Computers at the unit price of \$1,035.66 each, in the total amount of \$19,677.54, **numbered as Quote 3000014542725.4;** and

Whereas, The IT Director has determined a need to obtain monitors for the forgoing equipment and with the forgoing quote, secured a quote from Dell Incorporated for the purchase of ten (10) Dell 24 Flat Panel Monitors styled as P2417H at the unit price of \$191.79 each, in the total amount of \$1,917.90, **numbered as Quote 3000014542725.4;** and

Whereas, The IT Contractor/Consultant/Director has determined a need to obtain certain computer equipment and has secured a quote from Dell Incorporated for the **additional purchase of ten (10) Dell USB Soundbar AC511** at the unit price of \$24.74 each, in the total amount of \$247.40, **numbered as Quote 3000014542725.4** and

Whereas, The Purchasing Agent, pursuant to Section 3.050.060 (G) (2) of the Highland Municipal Code, expected that the purchase would be at less than \$50,000 and therefore qualified as a small purchase allowing purchase in the open market;

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A) of the HMC serves as purchasing agency for the Police Department, the Fire Department, the Office of the Clerk-Treasurer and the Public Works Department (Agency); and

Whereas, The amount of the purchase exceeds fifteen thousand (\$15,000) and, pursuant to Section 3.05.040 (C) and Section 3.05.050(B) of the HMC, requires the express approval of the purchasing agency; and

Whereas, The Clerk-Treasurer, pursuant to Section 3.05.050 (D)(9) of the Highland Municipal Code, serves as the Purchasing Agent for the any department for which a purchasing agent is not expressly provided and for all executive departments of the municipality; and

Whereas, The payment will be supported by approved existing appropriations in the Municipal Cumulative Capital Fund, pursuant to the requirements of IC 5-22-17-3(e) or another appropriate fund depending upon the department served; and

Whereas, The Town Council now desires to approve and authorize the proper officer to enter a purchase agreement pursuant to the terms stated herein.

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the proper officer is hereby directed and authorized to purchase nineteen (19) Dell OptiPlex 5040 SFF Computers at the unit price of \$1,035.66 each, in the total amount of \$19,677.54, **numbered as Quote 3000014542725.4;** according to the standing retention and replacement schedules, to be used in the proper departments;

Section 2. That the proper officer is hereby directed and authorized to purchase of ten (10) Dell 24 Flat Panel Monitors styled as P2417H at the unit price of \$191.79 each, in the total amount of \$1,917.90, numbered as Quote 3000014542725.4, according to the standing retention and replacement schedules, to be used in the proper departments;

Section 3. That the proper officer is hereby directed and authorized the additional purchase of ten (10) Dell USB Soundbars AC511 at the unit price of \$24.74 each, in the total amount of \$247.40, numbered as Quote 3000014542725.4, to be used in the Metropolitan Police Department or other departments of the municipality;

Section 4. That the proper officer is hereby directed and authorized to purchase the forgoing as a single order, in the total amount of \$21,842.84 for the total purchase;

Section 5. That the Town Council as Works Board hereby finds and determines that this purchase is a qualified small purchase as the total purchase is below \$50,000, which permits purchases in the open market without inviting quotes from at least three vendors, all pursuant to Section 3.05.060 (G)(2) as well as IC 5-22 et sequitur;

Section 6. That the Town Council as Works Board further finds and determined there are sufficient and available appropriations balances on hand to support the purchase to the credit of the Municipal Cumulative Capital Development Fund, pursuant to IC 5-22-17-3(e);

Section 7. That the Clerk-Treasurer is authorized and directed to execute the purchase agreement and any additional documents in order to implement the purchase.

Be it So Ordered.

Duly, Passed, Adopted and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 26th day of June 2017 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Dan Vassar, President (IC 36-5-2-10)

Attest:

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

6. **Instruction regarding Request from the School Town of Highland to Permit its News Letter to be included six times per year ported in the monthly utility bills.** *At the Study Session of June 19, 2017, the Town Council received a request from the Idea Factory, the newsletter content provider for the Town of Highland and the School Town, to permit the School Town to allow its 6 times yearly newsletter to be included in mailings of the Town's Utility billing. The Idea Factory represented that in most cases there would be no increase in weight that would affect postage. However, the School Town would cover any costs that would be incurred owing to the porting. Noting that the Board of Waterworks has authority regarding the utility billing, and an interlocal agreement would be likely, the Town Council could offer its guidance on the matter.*

Councilor Kuiper moved to authorize the Town Council President to instruct the Board of Waterworks Directors in writing that it highly favors the School Town request and instructs that the Board of Waterworks Directors to take such steps to favor and implement the request. Councilor Wagner seconded. Upon a roll call vote, there four affirmatives and no negatives. The motion passed. The Town Council President was authorized to instruct the Board of Waterworks Directors.

Comments from the Town Council:

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • IT Liaison*

No report as Councilor Zemen was absent.

- **Councilor Mark Herak:** *Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.*

Councilor Herak that the Sanitary District project of special instituform lining for the fifth street sanitary sewer was completed.

- **Councilor Steve Wagner:** • *Advisory Board of Zoning Appeals Liaison • Redevelopment Commission Liaison.*

Councilor Wagner acknowledged the Building Commissioner, who offered an overview of matters before the Advisory Board of Zoning Appeals.

Councilor Wagner acknowledged the Police Chief who noted the landscaping at the Police Station and thanked Metropolitan Police Commissioner Terry Krooswyk and Allen Landscaping for providing the plants and materials.

The Police Chief further reported on the recent administration of CPR for a driver who experienced a heart attack by Police Officer Kowal.

- **Councilor Konnie Kuiper:** • *Town Board of Metropolitan Police Commissioners, Liaison. • Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper had no report.

- **Councilor President Dan Vassar:** *Town Executive • Chair of the Board of Police Pension Trustees • Liaison to the Park and Recreation Board.*

The Council President that the Parks and Recreation Superintendent was absent owing to traveling with his youngest daughter to University of Missouri, to review its Journalism School.

The Town Council President also summarized the Independence Day events for Highland.

Comments from Visitors or Residents:

1. Diane Dzurochk, _____ Park Place, Highland, inquired about the purpose of work she saw near her residence apparently with the underground oil pipelines.

It was noted that the lines were undergoing a periodic review by the operators for line integrity. It was routine.

2. Terry Siegle, 8577 Kleinman Road, Highland, thanked the Town Council for its passage and adoption of its Sense of the Town Council Resolution at its last meeting regarding funding of the US Environmental Protection Agency and the Great Lake Restoration Initiative.

Payment of Accounts Payable Vouchers. There being no further comments from visitors or residents, Councilor Herak moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period **June 13, 2017** through **June 26, 2017** and the **payroll docket for June 09, 2017**. Councilor Wagner seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, the payroll dockets listed were ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$99,169.45; Motor Vehicle Highway and Street (MVH) Fund, \$14,701.56; Parks/VIPS Public Safety Fund, \$13,614.00; Federal Forfeit and Seized Asset Fund, \$12,147.25; Law Enforcement Continuing Education, Training, and Supply Fund, \$840.34; Information and Communications Technology Fund, \$5,191.26; Solid Waste District Grant Fund, \$15,000.00; Civil Donation Fund, \$876.33; Special Events Non Reverting Fund, \$758.96; Municipal Cumulative Capital Development Fund, \$3,549.41; Total: \$165,848.56.

Payroll Docket for payday of June 09, 2017:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$13,662.60; Building and Inspection Department, \$8,530.19; Metropolitan Police Department, \$129,719.22; Fire Department, \$2,463.99; Public Works Department (Agency), \$68,159.20 and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$223,535.20.

Adjournment of Plenary Meeting. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Herak seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, June 26, 2017 was adjourned at 7:29 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer